

DEPARTMENT OF ENVIRONMENTAL QUALITY

DIVISION OF SOLID AND HAZARDOUS WASTE RCRA PROGRAM - PERFORMANCE PARTNERSHIP FY 2007

INTRODUCTION

This section addresses the goals and related performance measures for the hazardous waste program administered by the Division of Solid and Hazardous Waste (DSHW) in coordination with EPA Region 8 (EPA) under this Performance Partnership Agreement (PPA). The section is organized by the same major categories as those established by the Department of Environmental Quality and are as follows:

- Environment
- Customer Service
- Partnership with Federal, State, Local, and Tribal Governments
- State-based Regulation of Environmental Programs
- Employees
- Enhance Policymakers' Understanding of Environmental Issues

Under each of these categories, strategic goals and measures are presented, followed by annual goals and measures. The strategic goals and measures provide overall, continuing direction and focus for the annual goals and measures. The annual goals and measures addressed by this document incorporate the goals and priorities of EPA Region 8 as outlined in the RCRA Program Guidance for FY 2007.

ENVIRONMENT

This category encompasses the following EPA program priorities:

- Waste Minimization/Pollution Prevention (Resource Conservation Challenge)
- Safe Waste Management (Operating Permits, Closure, Post-Closure, and Corrective Action)
- Compliance and Enforcement
- Information Management (RCRAInfo)
- Environmental Justice

DSHW STRATEGIC GOAL:

Protect human health and safeguard the environment by assuring the safe management and proper handling, transportation, treatment, storage and disposal of solid and hazardous wastes, including

used oil. Provide assistance and information to industry as a means to promote waste minimization and pollution prevention as the preferred waste management strategy. Promote implementation of the core elements of the Resource Conservation Challenge (RCC). As a voluntary effort to establish working partnerships among EPA, states, industry, and other stakeholders, the RCC is designed to find more flexible as well as protective ways to meet the overall intent of RCRA to conserve national resources and energy.

Measures:

- a. Provide pollution prevention (P2) and waste minimization assistance and resources. Industry and other stakeholders actively implement RCC program elements. Jointly evaluate the currently available hazardous waste generation data, including the state hazardous waste minimization profile compiled by EPA, to identify opportunities to improve utilization of this information and achieve greater results in waste minimization activities. ^{P2}
- b. Provide timely and effective enforcement/permitting response based upon a balance of priorities and available resources.
- c. Provide for innovative solutions to solid and hazardous waste stabilization and cleanup activities (non-Superfund sites) in order to focus on results and the potential for redevelopment of remediated sites. Foster voluntary cleanup actions where appropriate. Promote an open dialogue among cleanup action stakeholders, including public/community interests.

DSHW ANNUAL GOALS:

WASTE MINIMIZATION / POLLUTION PREVENTION / RCC

1. WASTE MINIMIZATION ^{P2}

Waste minimization is listed first to reflect its position as the "strategy of first choice" in the hierarchy of waste management.

Promote and support efforts and activities related to waste minimization and pollution prevention of hazardous waste generation. Provide direction and information to assist industry in integrating waste minimization practices into their processes. Integrate waste minimization principles into activities of DSHW staff. As resources and priorities allow, contribute to success of the RCC by providing direction, support, and resources in the following specific EPA focus or "priority" areas:

- Priority Chemical Reduction
- Beneficial Use of Secondary Materials (Foundry Sands, Coal Ash, C&D Debris)
- Green Initiatives – namely Electronics/E-waste

- 35% Recycling of Municipal Solid Waste
- Waste Tires

Measures:

- a. Continue Division pollution prevention policy implementation by developing and providing waste minimization/pollution prevention (P2) information and technical assistance, via fact sheets, newsletters, and electronic media, to businesses that generate hazardous waste, the general public, and staff. Help maintain and supply the division and department P2 library and Web site, as necessary, with informational resources regarding P2, waste minimization, source reduction, and recycling.
- b. Identify and evaluate supplemental environmental projects (SEPs) that are a part of an enforcement action to determine the contribution to waste minimization and pollution prevention. These evaluations will consist of staff and/or facility contact to note areas of progress and/or areas of concern throughout the process of a SEP. Additionally, project milestones and accomplishments may be reported to DSHW by SEP participants on an established reporting period. Supplemental environmental projects contributing to waste minimization/pollution prevention will be reported to EPA Region 8.
- c. Improve utilization, as appropriate, of the state hazardous waste profile prepared by EPA Region 8 to increase waste minimization and P2 efforts and successes and to meet other specific state waste/toxics reduction needs, including objectives of the RCC. Identify opportunities to link waste minimization efforts to reductions in Priority Chemicals in RCRA waste streams within the state. Encourage generators of Priority Chemicals to participate in voluntary programs and develop source reduction strategies. Specifically, the profile can be used to focus on selected large quantity generators to encourage and enlist their voluntary participation in the National Partnership for Environmental Priorities (NPEP). This is an EPA regional and national effort to reduce the use or release of a list of Priority Chemicals identified by EPA. Maintain working relationship between DSHW and EPA Region 8 hazardous waste minimization programs to assure that P2 resources are leveraged as appropriate to meet common goals and enhance outreach efforts. As staff resources allow, coordinate with EPA about potential candidates for NPEP. EPA and DSHW will look for opportunities to reflect how state actions support national goals.
- d. Track and evaluate the amount of used oil collected for recycling, particularly used oil collected from Do-it-yourselfers (DIYers). Continue successful educational program throughout the state on the environmental and public health benefits and the availability of used oil collection and recycling opportunities. Promote and support a broad base of used oil industry, used oil collection centers, local officials, retailers, and the public as active participants in community-based used oil steering committees.

Steering committees serve to educate and promote the collection and recycling of used oil on a community level.

- e. Promote, as resources are available, EPA's Resource Conservation Challenge (RCC) among industry and public entities to heighten the need to move toward adopting a resource conservation philosophy in terms of waste reduction and materials management.
 - i. Dedicate additional staff resources to implement an increased effort in the RCC challenge area of electronic product stewardship, particularly "e-waste" recycling. Establish and participate in a partnership of stakeholders as a means to meet the growing challenges and issues associated with handling used electronic equipment and components. Expand outreach efforts and educational media as opportunities for improving electronics recycling continue to open up and as the collaborative partnership grows.
 - ii. As one of the RCC focus areas, continue implementation of the successful waste tire recycling program in partnership with the waste tire industry, local health departments, and landfill operators. Track and evaluate the volume of waste tires recycled and the amount of state reimbursements paid in support of waste tire recycling.

SAFE WASTE MANAGEMENT

2. PERMITS, CLOSURE, POST-CLOSURE ^{CPM HI}

Maintain effective solid and hazardous waste permitting and closure/post closure programs. DSHW and, as necessary, EPA will work together to achieve this goal; where DSHW and EPA priorities differ, appropriate discussions between both agencies will be conducted to reconcile such differences. EPA will provide technical assistance, training, and other support where appropriate.

In recognition of past permitting accomplishments and the ongoing workload in this program area, the following measures apply to FY 2007 performance activities.

Measures:

- a. Maintain accurate information of the universe and status of hazardous waste facilities subject to closure requirements, post-closure permits, and operating permits. Provide the preceding information through automated data systems (RCRAInfo) for all required data elements by the 20th of the month following the activity.

- b. Provide appropriate closure/post-closure and permit response as dictated by case-by-case specifics, regulatory/statutory requirements, including alternate mechanisms as allowed under the post-closure rule, as adopted by DSHW, permit conditions, and program priorities and goals. Appendix 2 of EPA's RCRA Program Guidance for FY 2007 identifies the various program measures to be reported by DSHW with respect to permits, closure and post-closure. Targeted FY 2007 permitting, closure, and post-closure program activities at specific facilities are identified in the appropriate section of RCRAInfo utilizing the scheduled date for related events.

Many of the remaining hazardous waste management units requiring an operating permit are subject to the Subpart X requirements and standards for open burning/open detonation of explosive wastes. For FY 2007, DSHW will continue to make progress toward completing the permitting process for these particular units.

- c. Conduct periodic analysis of effectiveness of closure/post-closure and permitting activities utilizing program tracking information (such as RCRAInfo, and DSHW databases) and conducting briefings with staff for ongoing coordination. Federal and state data systems and staff briefings will help to identify areas of progress and areas of concern. Tracking information will be available to EPA. Updates to future strategies for accomplishing such activities will be made, as necessary, as part of the FY 2008 planning process in order to account for the FY 2008 GPRA goals.
- d. EPA will provide assistance, as requested by DSHW, regarding the application of MACT standards for hazardous waste combustion facilities.

3. CORRECTIVE ACTION ^{CPM H3 6 7}

Maintain an effective corrective action program, including stabilization of environmental releases and clean up of contaminated hazardous waste sites. DSHW and EPA will work together to achieve this goal; where DSHW and EPA priorities differ, appropriate discussions between both agencies will be conducted to reconcile such differences. EPA will provide technical assistance, training, and other support where appropriate.

Measures:

- a. Maintain and update, as necessary, facility specific corrective action information for hazardous waste facilities subject to corrective action, including site assessment, stabilization (accounting for health and environmental risk control measures), and regular corrective action process activities through staff interaction, correspondence and/or automated data systems (RCRAInfo and DSHW databases) with a focus on key milestones as identified in the following paragraphs. For RCRAInfo, all required data elements will be entered by the 20th of the month following the activity in order to maintain the usefulness and quality of the reported data.

- b. Provide appropriate corrective action response as dictated by case-by-case specifics, regulatory/statutory requirements, permit conditions, or program priorities. Emphasis is on high priority facilities in order to address and control human exposures and the migration of contaminated ground water. Appendix 2 of EPA's RCRA Program Guidance for FY 2007 identifies the various program measures to be reported by DSHW for corrective action. Targeted FY 2007 corrective action program activities at specific facilities are identified in the appropriate section of RCRAInfo utilizing the scheduled date for related events.
- c. Provide appropriate stabilization response as dictated by case-by-case specifics, regulatory/statutory requirements, permit conditions, or program priorities. Emphasis is on high priority facilities plus any additional, discretionary sites, excluding facilities that have been referred to Superfund or other non-RCRA authorities. Appendix 2 of EPA's RCRA Program Guidance for FY 2007 identifies the various program measures to be reported by DSHW for corrective action. Targeted FY 2007 program activities at specific facilities are identified in the appropriate section of RCRAInfo utilizing the scheduled date for related events.
- d. Conduct periodic analysis of the effectiveness of corrective action activities and update, as necessary, future strategies for accomplishing such activities as part of the FY 2008 planning process in order to account for the FY 2008 GPRA goals. The analysis will include the FY 2008 goals of selecting (site-wide final remedies (CA400) and completing the construction of site-wide final remedies (CA550) at RCRA baseline facilities. This analysis may include the following environmental indicators: the number and percentage of handlers subject to corrective action with (1) human exposures under control (CA725), and with (2) migration of contaminated groundwater under control (CA750). DSHW will prepare, complete, and submit to EPA Region 8 appropriate documentation of accomplishments of the above indicators.

4. COMPLIANCE AND ENFORCEMENT

Evaluate compliance status of solid waste, hazardous waste, and used oil handlers and facilities and foster an ongoing commitment to compliance and environmental protection through on-site inspections and other compliance assistance activities.^{CPME7}

Measures:

- a. Develop the FY 2007 inspection schedule by September 30, 2006. The selected schedule will incorporate, as appropriate, state, regional, and national priorities. The selected schedule will also include 20% of the large quantity generator (LQG) universe as determined and agreed to by DSHW and EPA using RCRAInfo as of September 1, 2006. Any RCRA Section 6002 federal procurement compliance

evaluations by EPA may be conducted as part of regularly scheduled inspections of federal facilities in which EPA participates with DSHW and will be coordinated in advance with DSHW.

- b. Complete targeted inspections by September 30, 2007.
- c. Continue implementation of the small quantity generator compliance assistance program in FY 2007. Participate in federal industry sectors initiatives.
- d. Provide facility specific compliance and enforcement information through the proper and timely entering of EPA and DSHW program data into RCRAInfo and ensure the quality of all reported data.
- e. Conduct periodic analysis of effectiveness of evaluation activities. This will consist of staff and/or facility contact and data systems reports to note areas of progress and areas of concern. Apply, as appropriate, national or state compliance/enforcement performance measures methodologies and/or compliance rate determinations as a means to enhance the reporting of key program accomplishments.
- f. A regional implementation policy of the CERCLA Offsite Rule (OSR) has been established and will serve as the basis for the Region's implementation of the OSR; implementation for any sites in Utah will be coordinated with DSHW.
- g. The DSHW and EPA have agreed to perform RCRA Subtitle C financial assurance file reviews over the course of FY 2007, in order to evaluate overall RCRA operator compliance with financial assurance requirements. The DSHW and EPA will follow-up on any identified concerns from the financial assurance file reviews using standard compliance and/or enforcement tools in accordance with the DSHW and EPA enforcement agreement.

5. TRAINING / TECHNICAL ASSISTANCE

Continuously improve DSHW technical expertise in the RCRA program.

Measures:

- a. Provide specific technical training to new staff and provide refresher training, as needed, for staff in FY 2007.
- b. Work with EPA to plan and provide training offered by EPA covering key areas such as financial assurance, corrective action, permitting, risk assessment, pollution prevention, and other related program functions. ^{P2}

- c. With EPA, jointly identify areas where technical assistance needs could be provided by EPA regional staff, EPA research labs, and contractors. DSHW and EPA staff will provide technical direction to the contractors.

6. INFORMATION MANAGEMENT ^{CPM H1 3 6 7}

Report key program accomplishments as noted in the above annual goal sections via automated data systems (RCRAInfo) or direct correspondence, to accurately reflect the status of the RCRA handler universe. The DSHW will continue to maintain timely, accurate and complete data, including compliance and enforcement data, and federally required data fields in RCRAInfo. EPA will work with the state to clarify or resolve universe issues and provide training and technical assistance when requested. Program areas will include permitting, compliance/enforcement, closure/post-closure, corrective action, and waste minimization. DSHW and EPA will utilize RCRAInfo and other state data systems for assessing accomplishments in these program areas. Data will be entered into RCRAInfo for all required data elements by the 20th of the month following the activity in an effort to maintain the timeliness, accuracy, and completeness of the program data.

Significant violators, significant noncompliers, and high priority violators will be identified and reported to EPA, utilizing appropriate RCRAInfo codes, as agreed upon by DSHW and EPA, and in a manner consistent with national policy and guidance.

7. ENVIRONMENTAL JUSTICE (EJ) ^{EJ}

The State recognizes that incorporation of environmental justice into the RCRA regulatory program is a priority for EPA Region 8. Upon request, EPA will provide the State access to Geographic Information System (GIS) environmental justice tools and share information about any available environmental justice resources in an effort to address EJ matters. The state commits to utilize EPA staff and GIS resources, as appropriate, in the implementation of the state hazardous waste program.

Measures:

- a. EPA and DSHW will work jointly to develop measures for evaluation.
- b. Incorporate, as appropriate, environmental justice considerations in administration of the program.

DSHW STRATEGIC GOAL:

Balance economic factors with compliance and permitting actions.

Measure:

Evaluate stakeholders' economic viability when determining compliance and permitting actions.

DSHW ANNUAL GOAL:

Consider economic factors in determining penalties for violations.

Measures:

- a. Use EPA economic computer models to assist in evaluation.
- b. Use maximum flexibility when negotiating consent agreements to include consideration of financial viability of regulated party.

DSHW STRATEGIC GOAL:

Provide leadership in Utah, the western region, and nationally to influence national policies on waste management activities.

Measures:

- a. Division staff attend and actively participate in regional and national organizations committees and task forces such as with WGA, ASTSWMO, and EPA to provide maximum input in development of policies.
- b. Staff will submit comments which reflect Utah policies on proposed federal solid and hazardous waste programs.

DSHW ANNUAL GOAL:

Ensure staff availability to attend regional and national policy meetings and to participate on appropriate committees.

Measures:

- a. Determine success of legislative, budget, and policy initiatives identified as priorities.
- b. Appropriate input is given directly by state and through organizations to decision makers on priority issues.

CUSTOMER SERVICE

DSHW STRATEGIC GOAL:

The Division will operate and function as an internal and external customer-oriented agency by focusing on customer service, building trust, and problem-solving through cooperative efforts in all Division activities and partnerships.

Measures:

- a. Customer feedback is solicited and evaluated.
- b. Decisions and services provided within mutually agreed-upon time frames which best meet customers' needs and provides appropriate environmental protection.

DSHW ANNUAL GOALS:

Permitting and compliance processes will involve continuous customer input to provide workable and fair permits and compliance actions.

Measures:

- a. Permitting process will include regular contacts with applicant, local governments, other agencies, counties, and the impacted general public.
- b. The public will be involved as required by statute, regulation, or state public participation policies so that access to public records during public comment periods will allow appropriate time for public participation.
- c. Compliance and enforcement process will include regular meetings with affected parties prior to final determinations.
- d. Surveys may be provided to external customers involved in the permitting and/or inspection process(es) seeking specific feedback on process successes as well as process improvements. Surveys are voluntarily completed and returned to the Division for review, compilation, and follow up.
- e. Internal processes are in place to identify areas for improvement.
- f. Public information items, fact sheets regarding major permitting activities, and other important DSHW program activities will be available to the public via the Internet in order to enhance stakeholder support and awareness.

PARTNERSHIP WITH FEDERAL, STATE, LOCAL AND TRIBAL GOVERNMENTS

DSHW STRATEGIC GOAL:

Improve the effectiveness and efficiency of statewide delivery of environmental services by strengthening relationships with all levels of government.

- * Work with federal, state, local (including local health departments), and Tribal governments and provide information to plan for and manage the environmental impacts of growth.
- * The Environmental Services Delivery Plan (ESDP) delineates roles and responsibilities, joint goals and objectives, and establishes accountability between DSHW and local health departments.
- * Focus on teamwork and partnership in identifying and resolving problems.
- * Feedback on success of partnerships is received and evaluated.

Measures:

- a. Key problems identified by government partners are addressed and solutions developed and implemented.
- b. Effectiveness of the Environmental Service Delivery Plan in developing a state/local partnership, coordinating delivery of services, and obtaining adequate resources.
- c. Effectiveness of the Performance Partnership Agreement in developing a state/federal partnership, coordinating delivery of services, and obtaining adequate resources.

DSHW ANNUAL GOAL:

The DSHW and EPA will strive to enhance the State/EPA partnership and to ensure the management of a quality hazardous waste program.

Measures:

- a. Program Guidance/Agreements: DSHW and EPA will jointly develop and maintain an MOA, the enforcement agreement, quality assurance plan for environmental data collection, and other operating guidance. DSHW and EPA may review and revise the MOA, if necessary, in FY 2007.

- b. Strategic Planning: DSHW and EPA will jointly plan and prioritize program goals, objectives and activities which address joint priorities. DSHW and EPA will work together on PPA development, beginning of year projections, inspection strategies, planning meetings, program reviews, and national assessments of major program elements.
 - i. DSHW will include in its ongoing program implementation activities, unpermitted waste handling and management operations that may present significant environmental concerns. DSHW will evaluate, where appropriate, the use of Supplemental Environmental Projects (SEPs) that reduce emissions or discharges associated with persistent bioaccumulative and toxic wastes and other priority chemicals being released. DSHW will also consider issuance of orders to address upsets and episodic releases or emissions in accordance with current state laws.
 - ii. EPA Region 8 will prepare annual guidance identifying key program direction and priorities for FY 2008.
- c. Coordination of Joint Activities: DSHW and EPA will maintain a high level of coordination and cooperation between state and EPA staff to assure successful and effective administration of the program. Coordination includes evaluation of desirable technical support and targets for joint efforts/work sharing.
- d. Program Communication: maintain frequent/open communication on routine matters, changes in program capability, legislation, and resource levels, emergency situations, and other key activities as described in the MOA. EPA and DSHW will hold regular meetings or conduct conference calls, at least quarterly, to share information, identify and solve problems, and engage in short-term planning efforts.
- e. Training and Technical Assistance: the DSHW and EPA will jointly identify state training and technical assistance needs. EPA will make training and technical assistance available to the state and will work towards improving the capability to provide high quality assistance.
- f. EPA will perform and oversight review of DSHW's enforcement program using the OECA State Review Framework.

STATE-BASED REGULATION OF ENVIRONMENTAL PROGRAMS

DSHW STRATEGIC GOAL:

Develop statutory and regulatory authorities to qualify for continued program authorization.

Measure:

Updated program authorization is granted by the federal government.

DSHW ANNUAL GOALS:

1. Adopt new hazardous waste, solid waste, and used oil rules promulgated by EPA to maintain regulatory equivalency and program authorization.

Measures:

- a. Identify new federal hazardous waste rules promulgated during cluster period ending June 30, 2006 and which require adoption by the Solid and Hazardous Waste Control Board.
 - b. Submit draft rulemaking proposal to EPA for review and comment prior to initiating formal rulemaking.
 - c. Rulemaking process for Addendum 14 will be completed by June 2007.
2. Submit updated authorization applications to EPA to maintain hazardous waste program authorization.

Measures:

- a. Final authorization application for Addendum 14 will be submitted to EPA for review and comment by September 1, 2008.
 - b. Jointly review the current MOA. Any necessary changes will be jointly negotiated and agreed to in a revised document by the end of FY 2007.
3. Provide information to EPA regarding completed and potential rulemaking for STATS reporting.

Measures:

- a. Provide status of the adoption of federal hazardous waste regulations to EPA for the quarterly updates to the STATS report.
- b. Provide potential rulemaking (checklist and schedule) to incorporate federal hazardous waste regulations into the state hazardous waste rules upon request by EPA.

EMPLOYEES

DSHW STRATEGIC GOAL:

Maintain a climate in which employees can function to their fullest potential, be recognized for their quality work, and accomplish the goals of DSHW.

Measures:

- a. Employees' assessment of job satisfaction will be solicited.
- b. Individual performance standards will reflect strategic and annual goals.

DSHW ANNUAL GOALS:

1. Employees are committed to the success of DSHW and recognize their professional responsibility and accountability in meeting the needs of the organization.

Measures:

- a. Employees' statements and actions reflect strategic and annual goals and DEQ/DSHW policies and procedures, including the DEQ operating principles.
- b. Annual performance reviews are based on performance standards.
2. Provide appropriate training to employees to increase and foster professional development.

Measures:

- a. Name and number of employees attending training will be maintained.
- b. Skills and abilities of staff will increase as demonstrated by work individual products.
3. Problems will be solved through cooperative effort of division staff.

Measures:

- a. Appropriate Quality Action Teams and other problem-solving teams will be used.
- b. Input from staff will be solicited on issues affecting entire Division.

ENHANCE POLICY MAKERS' (LEGISLATURE, OTHER ELECTED OFFICIALS, AND

BOARDS) UNDERSTANDING OF ENVIRONMENTAL ISSUES

Facilitate policy makers as pro-active participants in shaping environmental policy.

Measures:

- a. Legislators, other elected officials, and Board members are apprized of important environmental policy issues.
- b. Relationships with policy makers are developed and understanding of environmental issues enhanced.
- c. Policy makers work with DSHW in development and implementation of relevant waste management programs environmental policy issues.
- d. Policy makers' trust in DSHW is developed and enhanced.